

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2004-588

September 28, 2004

BANGOR WATER DISTRICT
Request for Approval of Easement
Across a Portion of Property in Veazie
To Lance and Deborah Tara for a Fence
And Deck

ORDER

WELCH, Chairman; DIAMOND and REISHUS, Commissioners

I. SUMMARY OF ORDER

In this Order, we grant the Bangor Water District (District) approval to offer an easement across a portion of its property in Veazie to Lance and Deborah Tara pursuant to the provisions of 35-A M.R.S.A §1101 (4) and §6109.

II. BACKGROUND

On September 1, 2004, the District filed with the Commission its request for approval to offer an easement to Lance and Deborah Tara across a portion of its property on the Thompson Road in Veazie. The purpose of the proposed easement is to allow an existing wood deck and wooden fence, owned by the Taras, to remain in its present location and to be properly maintained, provided that no substantial changes to the structures are made in the future. The District states that the easement will not unduly burden the property and supporting documentation indicates that the area of the proposed easement is less than five acres.

III. DECISION

Generally, a utility must seek Commission authorization before it sells or encumbers property that is useful in the performance of its duties to the public. 35-A M.R.S.A 1101(1). However, under 35-A M.R.S.A. §1101(4), transactions involving utility property that do not materially affect the ability of a utility to perform its duties to the public do not require Commission authorization. In this instance, the District represents that the easement will not affect its ability to serve customers. Therefore, our authorization is not required. We further find that the conveyance does not trigger the